

## **REMARKS**

Claims 1-14 are pending in the application. Independent claims 1, 8, and 12 have been amended to set forth a communication system that includes a base station that supports signaling channels for carrying system information and traffic channels for carrying the user information. Independent claims 1, 8, and 12 have also been amended to state that the user identified storable information is identified by an end user as information that is to be stored by the base station for a selected period of time. Identification of this information by the end-user occurs prior to initiation of a communication session between the base station and the end-user device. The user identified storable information is then transmitted from the base station to another end-user device over an available traffic channel after the selected period of time.

Applicant respectfully submits that no new matter has been added by these amendments. Support for the proposed amendments may be found at least between line 5 on page 7 and line 30 on page 8 of the Patent Application. For example, instead of making a telephone call to an end-user 2, an end-user 1 may operate cell phone 202 to label a voice message as user identified storable information. This information is formatted for transmission to base station 206 over a signaling channel. The end-user 1 may then initiate a communication session to transmit the user identified storable information to the base station 206 for storage and subsequent transmission to end-user 2.

Claims 1, 7-9, and 11-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Sumner (U.S. Patent No. 6,091,947). Claims 2-3, 5-6, and 10 stand rejected under 35 U.S.C. 103(a) as being obvious over Sumner in view of Boltz, et al (U.S. Patent No. 6,044,275). Claim 4 stands rejected under 35 U.S.C. 103(a) as being obvious over Sumner in view of Boltz and further in view of Matsukane, et al (U.S. Patent No. 5,467,341).

Sumner describes a technique for determining (at step 406) transmission and reception rates associated with a handset and the base unit. If the transmission and/or reception rates cannot accommodate a normal voice connection, then the call is routed to a voicemail deposit process (step 408). See Sumner, col. 7, ll. 6-63 and Figure 4. The stored voicemail message may later be delivered to the handset (at 508). See Sumner, col. 8, ll. 14-54 and Figure 5. However, Sumner teaches that the handset establishes a communication session with the base unit before the base unit determines whether or not to route the call to a voicemail deposit process. Sumner therefore fails to teach or suggest identifying user information as information that is to be stored by the base station for a selected period of time prior to initiation of a communication session between the base station and the first end-user device, as set forth in independent claims 1, 8, and 12.

Furthermore, Sumner describes a conventional process in which all of the user information associated with calls, including the information that is routed to the voicemail deposit process, is transmitted over traffic channels. Sumner does not describe or suggest transmitting any portion of the user information over signaling channels, *i.e.*, channels that are used to convey system information. Thus, Applicants respectfully submit that Sumner fails to teach or suggest transmitting or receiving user identified storable information over a signaling channel between an end-user device and a base station, as set forth in independent claims 1, 8, and 12.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Sumner and request that the Examiner's rejections of claims 1, 7-9, and 11-14 under 35 U.S.C. 102(e) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of the cited references. A finding of obviousness under 35 U.S.C. § 103 requires a determination of the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed subject matter and the prior art, and whether the differences are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. *Graham v. John Deere Co.*, 148 USPQ 459 (U.S. S.Ct. 1966). To determine whether the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made, one should determine whether the prior art reference (or references when combined) teach or suggest all the claim limitations. Furthermore, it is necessary for the Examiner to identify the reason why a person of ordinary skill in the art would have combined the prior art references in the manner set forth in the claims.

As discussed above, Sumner fails to teach or suggest identifying user information as information that is to be stored by the base station for a selected period of time prior to initiation of a communication session between the base station and the first end-user device, as set forth in independent claims 1, 8, and 12. Sumner also fails to teach or suggest transmitting or receiving user identified storable information over a signaling channel between an end-user device and a base station, as set forth in independent claims 1, 8, and 12. Boltz describes techniques for time-defined delivery of messages and Matsukane describes techniques for alerting users. However, Boltz and Matsukane are completely silent with regard to user identified storable information.

Applicants therefore respectfully submit that the prior art of record fails to teach or suggest all the limitations set forth in independent claims 1, 8, and 12. Furthermore, Applicants respectfully submit that the Examiner has not identified any reason why a person of ordinary skill in the art would be motivated to modify the cited references to arrive at the subject matter

set forth in independent claims 1, 8, and 12. For at least the aforementioned reasons, Applicants respectfully submit that the pending claims are not obvious in view of the prior art of record and request that the Examiner's rejections of claims 2-6 and 10 under 35 U.S.C. § 103(a) be withdrawn.

Pursuant to the amendments indicated herein, Applicants respectfully submit that all of the pending claims are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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